

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT
SAN JUAN, PR

FELIPE RAMIREZ-FERRER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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CIVIL NO. 97-2570 (PG)
CR. NO. 93-113 (PG)

OPINION AND ORDER

The matter before the Court is petitioner, Felipe Ramirez-Ferrer's *pro se* motion for extension of time in which to file a certificate of appealability (COA).

Judgment was entered on July 11, 2000 dismissing Ramirez-Ferrer's motion to vacate sentence pursuant to 28 U.S.C. § 2255. On July 18, 2000 he filed the present motion seeking an extension of time up to September 12, 2000 to file his COA. To this date, no COA has been filed.

An examination of the docket of this case reveals that petitioner Ramirez-Ferrer has also not filed a notice of appeal. A notice of appeal must be filed with the Clerk of the District Court within thirty days of the entry of the judgment or order appealed. Fed. R. App. P. 4(a)(1). Petitioner's request for an extension of time to file a COA of the July 11, 2000 judgment does not allude to an extension of time for filing a notice of appeal, and indeed does not mention anything at all about notice of appeal. See Henry v.

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Estelle, 688 F.2d 407 (5th Cir. 1982). The Court therefore lacks jurisdiction to issue a COA when no timely notice of appeal has been filed.

WHEREFORE, in view of the above, petitioner's motion for extension of time to file a COA is hereby **DENIED**.

IT IS SO ORDERED.

San Juan, Puerto Rico December 8, 2000.


JUAN M. PEREZ-GIMENEZ
U.S. District Judge